

Brian J. Baker  
Assistant Attorney General  
7141 Cleanwater Drive SW  
Olympia, WA 98504-0126  
(360) 486-6300

THE HONORABLE MARY K. DIMKE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

SALVADOR M CONSTANCIO,

Plaintiff,

vs.

WA STATE DEPARTMENT OF  
SOCIAL AND HEALTH  
SERVICES,

Defendant.

NO. 2:24-cv-00038-MKD

DEFENDANT WA STATE  
DEPARTMENT OF SOCIAL  
AND HEALTH SERVICES'  
ANSWER TO PLAINTIFF'S  
AMENDED COMPLAINT  
FOR DAMAGES

Defendant, State of Washington, Department of Social and Health Services, by and through their attorneys, Nicholas Brown, Attorney General, and Brian J. Baker Assistant Attorney General and in answer to plaintiff's complaint, admits, denies and alleges as follows:

Defendant denies each allegation contained in Plaintiff's Amended Complaint and, by way of further answer, asserts the following affirmative defenses:

1. That plaintiff has failed to exhaust administrative remedies under Title VII.
2. That the plaintiff's claims are barred by the statute of limitations, and timeline of the required administrative conditions-precedent of Title VII.
3. That the plaintiff has failed to state a claim upon which relief may be granted.
4. That the employer is not subject to vicarious liability as provided by *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998).

1 5. That if the plaintiff suffered any damages, recovery therefor is barred by plaintiff's failure  
2 to mitigate said damages.

3 6. That the defendant is entitled to an offset from any awards to plaintiff herein and/or recovery  
4 of back monies paid to plaintiff.

5 WHEREFORE, defendant prays that plaintiff's complaint be dismissed with prejudice and  
6 that plaintiff(s) take nothing by their complaint and that defendant be allowed its costs and  
7 reasonable attorney fees herein.

8 DATED this 24th day of February 2025.

9  
10 NICHOLAS W. BROWN  
Attorney General

11 

12  
13 BRIAN J. BAKER, WSBA No. 54491  
Assistant Attorney General  
14 Attorney for Defendants  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE**

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ US Mail Postage Prepaid via Consolidated Mail Service

☐ ABC/Legal Messenger

☐ State Campus Delivery

☐ Hand delivered by \_\_\_\_\_

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 24th day of February 2025 at Tumwater Washington.



\_\_\_\_\_  
BRIAN J. BAKER, WSBA No. 54491  
Assistant Attorney General  
Attorney for Defendants